

By: Goolsby

H.B. No. 1569

A BILL TO BE ENTITLED

AN ACT

relating to participation in school district services and activities by home-schooled students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.001, Education Code, is amended by adding Subdivision (5-a) to read as follows:

(5-a) "Home-schooled student" means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child's home.

SECTION 2. Subchapter A, Chapter 25, Education Code, is amended by adding Section 25.007 to read as follows:

Sec. 25.007. PART-TIME ENROLLMENT OF HOME-SCHOOLED STUDENT. (a) A home-schooled child entitled under Section 25.001 to attend public school in a school district may enroll in public school in the district as a part-time student if the district and the child's parent or guardian agree in writing to the child's enrollment.

(b) A student enrolled under this section may participate in an academic class on the same basis as a regularly enrolled student.

(c) A school district may not charge a student enrolled under this section tuition but shall charge the student all applicable fees charged a regularly enrolled student.

1 (d) An open-enrollment charter school or a college or
2 university charter school operating under Subchapter E, Chapter 12,
3 is not eligible to receive funding for a student enrolled under this
4 section.

5 SECTION 3. Subchapter Z, Chapter 29, Education Code, is
6 amended by adding Section 29.913 to read as follows:

7 Sec. 29.913. USE OF SCHOOL FACILITY FOR HOME-SCHOOLED
8 STUDENTS. (a) A school district may establish a laboratory or
9 other facility for home-schooled students that is not located on a
10 regular school campus.

11 (b) A school district may permit a home-schooled student
12 entitled under Section 25.001 to attend public school in the
13 district to use:

14 (1) a laboratory or other facility established under
15 Subsection (a); or

16 (2) a laboratory or other facility located on a
17 regular school campus.

18 (c) A school district may not charge a home-schooled student
19 tuition for use of a laboratory or other facility under this section
20 but shall charge the student a fee comparable to any fee charged a
21 regularly enrolled student for use of a similar facility.

22 (d) A school district may permit a regularly enrolled
23 student to use a laboratory or other facility established under
24 Subsection (a).

25 SECTION 4. (a) Subchapter Z, Chapter 29, Education Code, is
26 amended by adding Section 29.914 to read as follows:

27 Sec. 29.914. ONLINE COURSE FOR HOME-SCHOOLED STUDENTS. (a)

1 A school district may offer an online course to home-schooled
2 students for academic credit.

3 (b) A school district may permit a home-schooled student
4 entitled under Section 25.001 to attend public school in the
5 district to participate in an online course offered under
6 Subsection (a).

7 (c) A school district may not charge a home-schooled student
8 tuition for participating in a course offered under Subsection (a)
9 but shall charge the student a fee comparable to any fee charged a
10 regularly enrolled student for participating in the course.

11 (d) A school district may permit a regularly enrolled
12 student to participate in an online course offered under Subsection
13 (a).

14 (b) This section takes effect only if H.B. No. 277, Acts of
15 the 80th Legislature, Regular Session, 2007, is not enacted and
16 does not become law. If H.B. No. 277, Acts of the 80th Legislature,
17 Regular Session, 2007, is enacted and becomes law, this section has
18 no effect.

19 SECTION 5. Section 31.001, Education Code, is amended to
20 read as follows:

21 Sec. 31.001. FREE TEXTBOOKS. (a) Textbooks selected for
22 use in the public schools shall be furnished without cost to the
23 students attending those schools.

24 (b) For a course in which a home-schooled student is
25 enrolled as provided by Section 25.007, the student is entitled to
26 textbooks without cost as if the student were enrolled in the
27 district as a full-time student. This chapter applies to textbooks

1 furnished to home-schooled students under this subsection in the
2 same manner as it applies to textbooks furnished to students
3 attending public schools.

4 SECTION 6. Subchapter D, Chapter 33, Education Code, is
5 amended by adding Section 33.090 to read as follows:

6 Sec. 33.090. PARTICIPATION IN EXTRACURRICULAR ACTIVITIES
7 BY HOME-SCHOOLED STUDENTS. (a) A school district may permit a
8 home-schooled student entitled under Section 25.001 to attend
9 public school in the district to participate in a
10 district-sponsored extracurricular activity. If the district
11 charges regularly enrolled students a fee for participating in an
12 extracurricular activity, the district shall charge a
13 home-schooled student participating in that activity the same fee.

14 (b) Each home-schooled student entitled under Section
15 25.001 to attend public school is entitled to participate in an
16 extracurricular activity sponsored by the University
17 Interscholastic League on behalf of the school district the student
18 is entitled to attend under Section 25.001(b) if the board of
19 trustees of that district adopts a policy authorizing home-schooled
20 students to participate in league-sponsored activities.

21 (c) Subsection (b) does not exempt a home-schooled student
22 from satisfying, as provided by league rule, each eligibility
23 requirement for participating in a league-sponsored activity other
24 than class attendance requirements.

25 (d) In this subsection, "grade evaluation period" has the
26 meaning assigned by Section 33.081(c). For each grade evaluation
27 period of the school to which a home-schooled student is assigned

1 for participation in extracurricular activities, the student's
2 instructor must provide to the principal of the school, at the time
3 grades must be reported for students enrolled in the school, an
4 affidavit affirming that the student:

5 (1) is a full-time student; and

6 (2) has grades for that reporting period that satisfy
7 grade requirements under Section 33.081(c) for participation in
8 extracurricular activities.

9 SECTION 7. Subchapter B, Chapter 39, Education Code, is
10 amended by adding Section 39.036 to read as follows:

11 Sec. 39.036. ASSESSMENT OF HOME-SCHOOLED STUDENTS. (a) This
12 section applies only to a home-schooled student enrolled in a
13 school district for two or fewer courses or two or fewer hours of
14 instruction as determined by commissioner rule. A home-schooled
15 student enrolled in a school district for more than two courses or
16 more than two hours of instruction shall be assessed as provided by
17 Section 39.023.

18 (b) Except as provided by Subsection (c), a school district
19 may administer an assessment instrument required under Section
20 39.023 to a home-schooled student only in a subject in which the
21 student receives instruction from the district.

22 (c) The commissioner by rule shall provide for assessment of
23 home-schooled students under this section. The commissioner may
24 require administration of additional assessment instruments to
25 home-schooled students only to the extent required by federal law.

26 (d) Only the performance on an assessment instrument
27 required under Subsection (b) of a student assessed under this

section may be used for purposes of accountability ratings under this chapter.

SECTION 8. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.0051 to read as follows:

Sec. 42.0051. INCLUSION OF HOME-SCHOOLED STUDENTS IN AVERAGE DAILY ATTENDANCE. (a) Subject to Subsection (c), the average daily attendance of a school district includes each home-schooled student:

(1) who is entitled under Section 25.001 to attend public school in the district; and

(2) who:

(A) attends a district school as a part-time student as provided by Section 25.007;

(B) participates in an online course offered by the district under Section 29.914; or

(C) uses an off-campus laboratory or other facility established by the district for home-schooled students as provided by Section 29.913.

(b) For each day of the minimum school year under Section 25.081(a) that a home-schooled student receives services or participates in a course as described by Subsection (a)(2), the school district is entitled to include the student as a student in the district's attendance for that day. The student's attendance shall be included in proportion to the amount of time the student receives services or participates in a course, as determined under rules adopted by the commissioner.

(c) In any school year, not more than 1,000 full-time

1 equivalent home-schooled students in this state may be included in
2 average daily attendance under this section. To be eligible to
3 include a home-schooled student in average daily attendance, a
4 school district must apply to the commissioner within the time and
5 in the manner prescribed by commissioner rule. If, in any school
6 year, school districts apply to include more than 1,000 full-time
7 equivalent home-schooled students in average daily attendance, the
8 commissioner shall limit each district to a pro rata share,
9 determined by the district's enrollment of students other than
10 home-schooled students in comparison to the statewide enrollment of
11 students other than home-schooled students.

12 (d) The amount appropriated for inclusion of home-schooled
13 students in average daily attendance may not exceed \$5 million in a
14 school year. If the amount to which school districts are entitled
15 under Subsection (a) for a school year exceeds \$5 million, the
16 commissioner shall reduce each district's entitlement
17 proportionately.

18 SECTION 9. This Act applies beginning with the 2007-2008
19 school year.

20 SECTION 10. (a) Except as provided by Subsection (b) of
21 this section and Section 4(b) of this Act, this Act takes effect
22 immediately if it receives a vote of two-thirds of all the members
23 elected to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary for
25 immediate effect, this Act takes effect September 1, 2007.

26 (b) Section 8 of this Act takes effect September 1, 2007.